

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MELVIN LEWIS DILLON,)	3:16-CV-0294-RCJ (VPC)
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	July 31, 2017
)	
COUNTY OF WASHOE, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Plaintiff is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”). (ECF No. 20). On May 30, 2017, Travis Barrick, Esq. entered an appearance for plaintiff in this case (ECF No. 33). Thereafter, plaintiff filed a motion for leave to file an amended complaint (ECF No. 40). Defendants filed a response which merely requested the court to screen plaintiff’s proposed amended complaint (ECF No. 41). Plaintiff filed a reply (ECF No. 42).

The general rule under 28 U.S.C. § 1915A is that “[t]he court shall review . . . a complaint in a civil action in which a prisoner seeks redress from the governmental entity or officer or employee of a governmental entity” and “shall identify cognizable claims or dismiss the complaint, or any portion of the complaint” if it is “frivolous, malicious, or fails to state a claim upon which relief can be granted; or . . . seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C. § 1915A(a), (b).

Section 1915A does not expressly differentiate between represented and unrepresented prisoner cases with regard to screening, and there is no authority addressing this issue. This Court typically does not screen § 1983 prisoner cases where the plaintiff is represented by counsel. For one thing, the pleading obligations of an attorney under Fed. R. Civ. P. 11 tend to substantially reduce the incidence of claims that are frivolous or otherwise patently noncognizable on their face. Pro se litigants are not attorneys and should not be expected to know how to draft pleadings as if they were. Judicial screening of prisoner complaints serves to prevent prisoner complaints which are truly difficult, if not impossible to understand, from being served upon defendants. Screening of represented cases to decipher the allegations and claims is usually unnecessary. *See, e.g., Nordstrom v. Ryan*, 762 F.3d 903, 907 n.1 (9th Cir. 2014) (noting

that the “purpose of § 1915A is to ensure that the targets of frivolous or malicious suits need not bear the expense of responding”); *O’Neal v. Price*, 531 F.3d 1146, 1153 (9th Cir. 2008) (explaining that the PLRA’s screening provision was intended to “conserve judicial resources by authorizing district courts to dismiss nonmeritorious prisoner complaints at an early stage”). As such, the Court will not screen this counseled prisoner case.

Therefore, plaintiff's motion for leave to file first amended complaint (ECF No. 40) is **GRANTED**. The scheduling order (ECF No. 38) is hereby **VACATED** until such time as all new defendants have been served and have filed a responsive pleading.

IT IS SO ORDERED.

DEBRA K. KEMPI, CLERK

By: _____ /s/
Deputy Clerk